

The Legislature and Constituency Relations

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I. THE IMPORTANCE OF LEGISLATIVE-CONSTITUENCY RELATIONS AND INTERACTION

In democratic societies, governments (including legislatures) routinely consult, interact, and exchange views and information with the public, so that citizens can express their preferences and provide their support for decisions that affect their lives and livelihoods. While elections are the most common mechanism linking citizens and their government, they are occasional and citizen participation is generally limited to casting a vote. Dealing with elected representatives on an on-going basis strengthens the relationship between legislators and constituents and increases the possibility of legislators acting on their behalf. Effective member-constituent relationships contribute to democracy by strengthening the people's connection to their government, and by providing "real life" assessments of how government programs are actually working on the ground. Legislators with strong ties to constituents, especially those from single-member districts, are more likely to be reelected and to advance in their political careers. Constituents benefit by having their views and concerns heard in the policy-making process or by having an advocate in the legislature able to act on their behalf when government programs adversely affect them.

Differences between legislative and executive branches Relations between constituents and their representatives differ from other citizen-government relationships. Compared to the executive, the legislative branch is usually more equal in its membership, diverse in composition, and expected to be more accessible to all citizens. In addition, the legislature is far more likely than the executive to do at least part of its business in public, making it easier for constituents to learn what their representatives are doing, and why.

Functions of legislatures An effective legislature represents constituents, influences law and policymaking, and acts as a constraint on executive power by exercising a degree of oversight. Member-constituent relations can affect each of these functions by shaping member motivations and incentives, by providing local content and human context to decisions, and by providing a way for constituents to measure performance of legislators and to assess government actions.

1. Motivating representatives

Legislators are most likely to represent constituent interests when (1) they know precisely who their constituents are, (2) they interact with them frequently, and (3) their political futures depend on gaining and keeping constituent support. While national leaders often speak in the abstract about the "people", legislators in functioning systems usually see constituents as people from a specific place, from whom they can learn how government policies are working, and whose support they value.

2. Content and context for policymaking

The degree to which legislatures influence law and policymaking varies considerably. A frequent finding in legislative literature is that when legislators are active in policy making, they tend to be advocates for local interests. The test of good policy in such systems is how constituents respond to specific proposals.

3. Oversight How well is government working? What kind of job is the executive bureaucracy doing? How these questions are answered depends on the perspective of the analyst. The tendency of top decision-makers in centralized systems is to think about popular needs in the collective and abstract. Bureaucrats tend to think about publics in compartmentalized ways organized by an agency's responsibilities. Legislators with strong ties to constituents are more likely to think about policies in terms of how they affect the people they represent. The question of how well government is working is answered by how well their constituents fare under government policies.

II. KEY ISSUES AND CHALLENGES FACED BY LEGISLATURES IN DEVELOPING COUNTRIES WITH REGARD TO LEGISLATIVE-CONSTITUENCY RELATIONS

While there are no systems with perfect member-constituent relationships, developing nations and emergent legislatures face at least three special challenges, described below.

1. The number of constituents needing individual help

Constituents with some knowledge of or connections to the legislature most commonly assume that legislators can help them as individuals with direct assistance, and help them as a member of a larger group by supporting policies that contribute to their joint well being. Claims for assistance to individuals are particularly dramatic and basic in the developing world, where patron-client politics encourages the expectation of direct forms of help.

While some legislatures in the developed world have hired staff to deal with constituent requests, legislators in low resource countries are often left alone in dealing with constituents. If legislators cannot develop strategies and devices for coping or filtering requests for assistance, any opening to constituents to see legislators - such as office hours, constituency visits, etc. - may be quickly overloaded to a point that legislators will not have the time to perform any of their responsibilities effectively.

2. Electoral and party systems

When legislators develop close ties with constituents, these relationships may compete with other loyalties, including those to their parties and leaders. The need to satisfy constituents may encourage a member to break with party leaders over policies that hurt his constituency, and may also encourage

stricter oversight and criticism of executive actions. Legislators who can count on constituents to support them can, under the right electoral systems, insulate themselves from party and executive control.

Whether by design or circumstance, party or executive dominated systems often have features that limit the development of constituency ties. These include prohibitions on re-election (Mexico), and devices that reduce the control constituents have over candidates (party list systems, large, at-large constituencies and tightly controlled candidate selection processes).

3. Resource constraints

Legislators have an easier time representing, helping, and looking out for constituents when they have help. In developed legislatures, members may receive assistance from caseworkers who intercede with government agencies on behalf of individual constituents, from legislative and administrative assistants who deal with constituents, or from professional staff who help determine how legislation affects different areas and groups. In developing legislatures, resource constraints and traditions of dominant executives may limit legislative efforts to support the needs of constituents.

III. ACTIVITIES AND STRUCTURES TO ENHANCE LEGISLATIVE CONSTITUENCY RELATIONS

Given the many constraints to effective legislative-constituent relations, how can they be strengthened? What can legislatures do? A number of suggestions are offered below.

1. Reform the electoral system to better link legislators and constituents

Legislators in single member district systems, where constituents vote directly for a single representative, must be responsive to constituents if they want to remain in office. This identification between legislators and constituents tends not to be as strong in multi-member districts, where multiple legislators share district responsibilities. In party-list systems, legislator loyalties are strongest toward their party leaders. There is little motivation to provide constituent services because they are not likely to directly affect election outcomes.

Aware of the need to be responsive to constituent interests, some nations have amended their electoral systems to make a member's reelection depend to a greater degree on his or her relations with constituents. Bolivia, Mexico and Germany combine both multi-member party list and single-member district representatives (see Bolivia text box, below). However, electoral reform is a drastic and long-term measure, which usually requires constitutional revision. Single-member districts are not a panacea. Every electoral system has advantages and disadvantages.

Electoral Reform in Bolivia Mixed Party List, Single-Member Districts

Bolivia's dramatic decentralization program of the mid-1990s devolved an unprecedented level of both political and spending authority to the nation's 300+ newly created municipalities. With government funds now flowing automatically to Bolivia's municipalities, a major function of Bolivia's National Congress - doing battle with the executive to increase resources to particular regions or groups - was reduced in importance, and some legislators became worried that their institution was becoming less relevant to Bolivians.

One of the Bolivian Congress' solutions was electoral reform. Desiring members to be responsive to their home districts and constituents, but fearing that a wholesale revision of the electoral system might upset Bolivia's long-awaited political stability, the Congress opted for a mixed

electoral system. Legislative leaders amended the Constitution so that beginning in 1997, half of the members of Bolivia's House of Representative would be elected from single-member districts, and half in the traditional party list system.

One alternative to changing the electoral system is for parties to assign certain representatives constituent responsibilities, and to reward those legislators according to how well they carry them out. South Africa's African National Congress Party is one innovative example on how this can be done. Please refer to the box below:

South Africa: An Example of Proportional Representation

The National Assembly in South Africa has 400 members, popularly elected to five-year terms under a system of proportional representation. Having been elected from a nationwide party list, none of the 400 members of the South African National Assembly have a specific district that they can call their own. Nor do constituents have a particular member that they can call "their" legislator. Members, therefore, are not automatically allocated funds for a district office. To contact a particular legislator, a constituent can contact the legislator's office in Cape Town or he/she can approach the member through their relevant political party structure.

The National Assembly has developed a mechanism to assist political parties in reaching out to constituents. Each party represented in the Assembly is granted an allocation of funds (the amount is based on the relative size of the party) that the party can use at its own discretion (as long as it is used for purposes of constituent services). With these resources, each of the 13 parties has developed its own method of constituent outreach. For example, the African National Congress (ANC), the largest party represented in the National Assembly, handles its funds through the Office of the Party Whip. The Whip assigns a geographic area to every one of the 264 ANC members, and then allocates a portion of the overall party constituency budget to the member. This unofficial "district" is usually the area surrounding a member's home town, and the ANC has developed guidelines for how the money can be spent (i.e. on office space, one or two staff, etc.) Members are accountable to the ANC for the funds (periodic reports and accounts are required), and the ANC is in turn accountable to the overall National Assembly administration. This constituent outreach program of the Parliament of South Africa is relatively new and is still undergoing refinement and innovation.

2. Open the legislature to the public

Inadequate, inaccessible meeting facilities and insufficient time for legislators to meet with constituents act as constraints on relations between legislators and their constituents. Legislative buildings may be inaccessible to constituents (Zambia's Parliament is located outside of Lusaka, for example, and access is through an imposing iron gate). In many nations citizens must pass guards armed with machine guns to enter the national legislature, and may not enter without an appointment. On the other hand, in many western democracies, legislative buildings are open to the public, there are public galleries in the legislature so that any citizen can observe parliamentary proceedings, and parliamentary debates are broadcast and/or televised to the general public. School children often make visits to legislatures, meet legislative members and observe legislative proceedings. This is one important means of promoting the

role of the parliament and the work that it does, while also ensuring that citizens feel ownership of the parliament and its activities.

3. Providing legislators with physical space to interact with constituents

Legislators in many nations are provided neither the time, space nor resources to interact with their constituents on a regular or meaningful basis. In newer parliaments and many developing country legislatures, the procedures, processes and codes of conduct guiding parliamentary operations and MP activities are primarily focused on the internal workings of parliament and on its legislative and oversight responsibilities. However, in order for MPs to effectively fulfill their representational role, they require routine communication and easy access to their constituents in order to exchange views. Some opportunities for constituency interaction include the following:

A. Opening Constituency Offices in the Legislature. In many countries, each legislative member is allocated office space within the legislature. These offices serve as a venue for legislators to meet with and be informed by individual constituents, civil society groups, and/or experts independent of the legislature. In Chile, for example, new Congress buildings, built in Valparaiso at the beginning of the 1990's, included offices for each Senator and Deputy – providing each of them with a location for conducting legislative business and for meeting with constituents. A less expensive alternative is for the parliament to allocate shared office space and/or to establish meeting rooms that legislators can reserve for conducting meetings with constituents.

B. Constituency Offices in the Districts. In most countries constituents live too far from the capital to be able to travel to it to meet with their legislators. Some nations bring legislators to the constituents by establishing district offices where legislators or their staff can meet with citizens, handle constituent problems, meet with local citizen groups and learn about local concerns and issues to raise in the legislature. Establishing a district office for every member, however, is expensive and many nations lack the necessary resources. An alternative is to meet in town halls, schools or other community buildings. Poland deals with this by providing legislators with office space in local party offices. The solution in West Bank/Gaza has been for the Palestinian Legislative Council to establish regional legislative offices, which are used by legislators from all political parties. This has not proven to be ideal, however, as citizens are often confused about which member to approach, and there have been concerns about the lack of privacy in these offices.

C. Staffing and other Resources. Constituent offices and constituent affairs do not run themselves. They require staff, budgets and the time of legislative members. In developed countries, parliaments provide budgets for legislative members to hire staff and to run constituency offices. In many cases, volunteers augment staff resources. Constituency office staffs play an important role in dealing with press relations, preparing press releases for members, in hearing constituency complaints, responding to mail from constituents and in arranging appointments for members with constituent groups. Likewise, budget allocations from the parliament enable legislators to facilitate communications with constituents, may it be for email connections, postage stamps, messengers or telephone expenses.

D. Time and Resources for Legislative Members to Travel to Districts for Constituent Meetings. Some systems do not require legislators to live in their districts; others do not provide them time away from the capital or the resources to travel to their districts to meet with constituents. The US Congress provides its members with funds to allow them to travel regularly to their home districts. The Chilean Chamber of Deputies reformed its rules during the 1990s to suspend legislative activities one week each month so that members could return to their districts to meet with constituents.

4. Tools of Communication

Legislative-Constituency relations require a reciprocal system of communication. On one end, it is incumbent upon the legislature and legislators, as representatives of the people, to communicate their

deliberations and decisions with the public. Such communication is essential for strengthening public appreciation for the work undertaken by the legislature, which is instrumental in ensuring its legitimacy. On the other hand, it is important that mechanisms are introduced to enable and encourage constituents and civil society groups to contact and influence their legislative representatives. The following are a examples of traditional and innovative means for enhancing legislative-constituency communication:\

A. Publication and Broadcast of Legislative Proceedings, Committee Deliberations and Hearing Deliberations. In nearly all democracies, some mechanism exists for transcribing legislative proceedings and committee deliberations. In wealthier democracies, written transcription and audio broadcasting are undertaken by modern computer aided techniques and are published almost instantaneously. In developing democracies a range of transcription techniques is employed, ranging from stenographic transcription to hand written minute taking.

One of the critical problems facing developing democracies is the need for more accurate and timely coverage of parliamentary and committee deliberation. In some cases, this is due to a lack of trained transcribers, or, in some, it is a lack of recognition of the importance of transcription. And, in many nations, though proceedings may be recorded, they are not published routinely, nor are they widely disseminated outside of the parliament.

For many parliaments, transcription of debates may be primarily viewed as a tool for improving the efficacy of parliamentary functioning, as it provides parliamentarians and their staff with the tools to review past debates and decisions. However, the timely and accurate recording and publication of debates is also critical for the parliament to fulfill its representative function. Especially in newer democracies, the routine publication and dissemination of parliamentary proceedings can be an important means for the parliament to communicate its deliberations to civil society and to prove to skeptics that it is providing a vital civic service.

More common in wealthier nations, is the radio and televised broadcast of legislative sessions, committee meetings, panel hearings and other business of parliament. Increasingly, developing countries are making the investment to televise legislative sessions as well. India, Peru and Mexico are some developing countries that have made this investment. The Minas Gerais state legislature in Brazil, for example, conducts a weekly television talk show in which members of the legislature are interviewed, and answer questions phoned in from constituents. The state legislature also publishes a daily newspaper, with photographs, feature stories, and a summary of daily legislative activities

A relatively simple and inexpensive means of disseminating legislative information is through weekly radio programming. Radio is the most widely used communications media in many nations, and weekly legislative summaries over the radio could reach great numbers of people. Programs produced by legislative information offices could be customized by having legislators from each district record their own introduction and comments on the tape to be sent to their home districts.

B. Independent Journalistic Coverage. Citizen understanding and impressions of legislatures are, to a great degree, shaped by media coverage given the legislature. The viewpoint of the media (government controlled, opposition controlled or independent), the style of political reporting (skeptical, sensational), and the level of knowledge and professionalism of reporters largely affect legislative coverage. In many developing countries, legislative coverage, where available, is provided by state run media. And in most new democracies, where independent journalists do exist, they often lack the skills to professionally report on parliamentary or legislative affairs.

Journalism training programs can be useful in developing a cadre of legislative reporters. Such training would include briefings on the functions of the legislature, in reading legislation, assessing its impact, and reporting accurately on the legislature. With the return of civilian government and the reestablishment of the National Congress of Chile in 1990, for example, the Centro de Estudios y Asistencia Legislativa (CEAL) initiated such a training program for journalists covering the Congress.

C. Parliamentary Newsletters. Legislators in many nations produce regular newsletters informing constituents of their activities and their positions on issues. Some newsletters include questionnaires to help members gauge public opinion. While individual member newsletters might not be feasible in very poor nations, general newsletters informing constituents about legislative activities might be an option. Mozambique, for example, produces a regular publication on the activities of the National Assembly, featuring interviews with legislators.

D. Legislative Web Sites. It is becoming more and more difficult to find a corner of the world without access to the Internet, and a growing number of legislatures worldwide are using it to transmit information to citizens about the legislature. The example of Peru in the following box is a good illustration.

The Legislature and the Internet Peru

Using funds from the Inter-American Development Bank, Peru's Assembly expanded citizen access to and speeded up production of its daily journal. Within an hour after completion of each day's business, Congress publishes a summary of the day's events for distribution to the public and the communications media. The legislature provides this information, plus legislative agendas and the full text of bills, on a daily basis through its web site. The system is interactive, allowing citizens to comment on legislation. Citizens without access to a computer may communicate with the Congress and their representatives through permanent access sites and portable multimedia kiosks.

E. Legislative Directories. Legislatures and outside groups publish legislative directories, which explain the structure, membership, and responsibilities of the legislature and legislators. These are important tools that enable civil society groups and individuals to understand who to contact in order to have their particular concerns addressed. In Bulgaria, for example, businessmen's association published a legislative directory to help their association members know who to deal with on specific issues. Similar directories have been published through legislative projects in Chile, Bolivia, Uganda, and Mozambique. Increasingly such directories are being published by legislatures themselves and entered on a legislative web site.

5. Public Hearings

The main purpose of public hearings is to provide an opportunity for legislators to hear the views of experts and citizens on public policy issues, and to express and promote their agenda. Public hearings are often held in hearing rooms in the legislature, but they can also be held in district centers or community halls. In most cases, public hearings are organized by legislative staff with a view to soliciting civil society views on particular legislative issues. Public hearings have a wide range in format. Formal hearings may be organized within the legislature (for example in hearing rooms) with specialized experts, academics or government officials invited to make presentations on a well defined issue. On the other hand, more informal town hall meetings may be organized in community centers to solicit the perspective of citizens on a particular issue. In such a forum, individuals will be asked to present their views to the public officials usually on a first come, first serve basis.

Mozambique's National Assembly has held a number of public hearings on public policy issues over the past two years, and through them citizens have actually had a role in shaping public policy. The first set of hearings held was on age limits for admission to nightclubs. Next, a nationwide series of hearings on ratifying a new national constitution was held. Thousand of Mozambicans attended these hearings, and hundreds testified. Legislators have since conducted hearings dealing with environmental damage to coastal areas.

As nations begin to institute public hearings, citizen groups can benefit from training programs and assistance to help them to testify at the hearings. Such programs train citizens in the issues and legislation being considered by the legislature, and how to draft and present public hearing testimony. Assistance to citizen groups in the Mozambican public hearings on constitutional reform also included publishing a brochure for citizens explaining, in laymen's terms, the proposed changes to the constitution.

6. Civic Education

The purpose of civic education programs is to inform the public about the structure, roles and functions of government, and citizen's rights and responsibilities in a democratic nation. Civic education includes voter education, informing citizens about their broader democratic responsibilities, their right and responsibilities to participate in referenda, following parliamentary debate, expressing their concerns through civic groups and to legislative representatives and voicing their views about decisions that affect their lives to local government officials.

In many countries, civic education is a central part of the elementary school curriculum. However, in newer democracies civic education usually extends well beyond school children. In the early 1990s in Chile, for example, following 17 years of military dictatorship, a national civic education program was conducted. Books were published describing the different branches and levels of Chile's government (including the roles and responsibilities of the legislature) and used in training programs. Legislative leaders participated in these programs, instructing neighborhood associations about the roles and responsibilities of the National Congress.

In some countries, children's coloring or cartoon books are also vehicles that explain the purpose and function of the legislature. For example, such books have been produced in Mozambique, Costa Rica and Guatemala.

7. Strengthening Civil Society Groups

Just as citizens must understand the legislature in order to influence it, so must civil society groups. In countries with a limited history of legislative democracy, civil society organizations tend to lack knowledge of legislative processes even though they may be well organized around a particular issue and/or at implementing programs to address their particular concerns. And yet, in legislative systems, civil society organizations have a critical role to play whether in lobbying legislators for policy change or in representing the aspirations of their constituents at public hearings. Legislative information in the form of publications or the Internet information referred to above can help supply some of the knowledge needed, but civil society groups also can benefit from formal training designed to help them deal more effectively with the legislature. Such training may include basic textbook information, such as the legislative process, how a bill becomes a law, or the roles and responsibilities of the legislature. It also may include specific information on who to deal with on specific issues and explanations of the power structure of the legislature not revealed in the constitution or in rules and procedures. Individuals best equipped to teach this material may include members of the legislative press corps, former legislators or legislative staff, and individuals who regularly interact with the legislature.

VI. INSTITUTIONS WHICH CAN BE CONTACTED FOR FURTHER INFORMATION, AND SELECTED READINGS

Center for Legislative Development, Philippines http://www.cld.org/cld_main.htm *Provides legislative research, resource, training, education and consultancy services with a special focus on women's issues and policy advocacy.*

Center for Legislative Studies and Assistance, Chile (CEAL) <http://www.ucv.cl/web/ceal/presenta.html> *Trains civil society organizations in dealing successfully with legislatures.*

Commonwealth Foundation, United Kingdom { HYPERLINK "http://www.oneworld.org/com_fnd/info.html" } *Runs programs and provides funding to encourage and strengthen NGO co-operation and exchange at national, regional and pan-Commonwealth levels.*

Freidrich Ebert Stiftung Foundation, Germany.

Supports transitions toward more democratic, pluralistic societies through assisting NGOs, parliaments and party organizations governments.

Fundación Poder Ciudadano, Argentina, <http://chorlo.cpel.uba.ar/~podciud/> *Conducts citizen meetings, public opinion polls, press training and publishes works designed to inform citizens about the activities of their government, pressure the government to reform, and increase contact between citizens and politicians.*

Inter-Parliamentary Union, Switzerland <http://www.ipu.org> *Works to correct the imbalance in participation between men and women in parliaments, and deals with issues regarding links between parliaments and people in IPU conferences.*

International Republican Institute, United States. { HYPERLINK "<http://www.iri.org>" } *Conducts programs in grassroots political organizing.*

Jean-Jaures Foundation, France <http://www.jean-jaures.org>

Konrad Adenauer Foundation , Germany { HYPERLINK "<http://www.kas.de/>" } *Conducts a variety of democracy and public participation related programs.*

National Conference of State Legislatures, United States info@NCSL.ORG *Through its international programs office provides advice and training to legislators in a variety of areas, including consultant relations.*

National Democratic Institute for International Affairs www.ndi.org *Conducts programs public policy advocacy, civic education, and community organizing.*

State University of New York, International Development Group (SUNY/IDG), SUNY/OIP@aol.com *Conducts programs and produces publications related to legislative strengthening. Programs address improving legislative relations with citizens, and ways for citizens and groups to more successfully interact with legislatures.*

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